

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

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| APPLICATION OF |) | |
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| YAAKOV NAPARSTEK |) | GROUP ART UNIT: 1644 |
| |) | |
| SERIAL NUMBER: 09/826,069 |) | EXAMINER: G. EWOLDT |
| |) | |
| FILED: APRIL 4, 2001 |) | |
| |) | |

TITLE: PEPTIDES FOR THE TREATMENT
OF SYSTEMIC LUPUS ERYTHEMATOSUS
AND METHODS OF TREATING
SYSTEMIC LUPUS ERYTHEMATOSUS

MAIL STOP APPEAL BRIEF – PATENTS

January 28, 2010

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**ON APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

RESPONSE TO NOTICE OF DEFECTIVE APPEAL BRIEF - ADDENDUM

Sir:

The present Addendum is submitted in response to the Notice of Defective Appeal Brief dated January 8, 2010. Please consider the following remarks and documents in connection with the Corrected Appeal Brief filed October 15, 2009.

REMARKS

Appellant's Brief is deemed defective for failure to cite three articles, Gokale et al., Graninger et al., and the Hershko and Naparstek article. Appellant submits the following information to supplement the information provided in the Appeal Brief, as well as additional copies of the three articles referenced.

1. The article "Plasmapheresis: an adjunct therapy in severe progressive neuropsychiatric lupus", Gokhale et al., J Assoc Physicians India. 2001 Oct;49:986-9, was cited in, and submitted in connection with, the declaration of Dr. Yakov Naparstek filed December 10, 2007. This article was referred to by the examiner in the non-final rejection dated December 31, 2007 (and therefore apparently entered into the record as of this date), and also discussed by the examiner in the final rejection dated March 17, 2009. Appellant did not further discuss this article in the Appeal Brief.

2. The article "Immunoadsorption therapy (Therasorb) in patients with severe lupus erythematosus", Graninger et al., Acta Med. Austriaca 2002;29:26-29, was also cited in, and submitted in connection with, the declaration of Dr. Yakov Naparstek filed December 10, 2007. As with the above article, this article was referred to by the examiner in the non-final rejection dated December 31, 2007 (and therefore apparently entered into the record as of this date), and also discussed by the examiner in the final rejection dated March 17, 2009. Appellant did not further discuss this article in the Appeal Brief.

3. The Hershko and Naparstek article, "Removal of pathogenic antibodies by immunoadsorption", Hershko et al., Ann. N.Y. Acad. Sci. 1051: 635-646 (2005) was submitted by Appellant in an Information Disclosure Statement filed January 19, 2009 and discussed in connection with the Request for Continued Examination filed on this date. The article was discussed by the examiner in

the final rejection dated March 13, 2009. Appellant refers to this article on pages 13-15 and pages 23-25 of the appeal brief.

It is believed that the above information overcomes any defect in the submitted appeal brief. If for any reason this response is insufficient Appellant would appreciate a telephone call with the examiner to clarify any additional requirements.

Respectfully submitted,

/Debra Anderson/

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